

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAWN KENNY MAY,

Defendant.

Case No. 3:23-cr-00081-SLG-KFR

**ORDER RE GOVERNMENT MOTION TO REVOKE ORDER OF RELEASE OF
DEFENDANT UNDER 18 U.S.C. § 3145**

Before the Court at Docket 36 is the Government Motion to Revoke Order of Release of Defendant under 18 U.S.C. § 3145(a)(1). Defendant May filed a response in opposition to the motion at Docket 37. On de novo review, the Court has considered the relevant factors in assessing the release plan. See 18 U.S.C. § 3142(g). Based on that review, the Court finds that the record does not demonstrate, by the requisite clear and convincing evidence standard, that there is “no condition or combination of conditions [that] will reasonably assure the safety of any other person and the community.” Rather, the conditions of release in the Magistrate Judge’s order, together with the fact that the Defendant will be released to reside in the state of Washington, while S.R. is in Delaware, provide reasonable assurance that S.R. will remain safe during the pendency of this case. Indeed, the Government indicates that the victim herself believes Washington to be a safe location for Mr. May to reside. And the Court has considered the nature of the

violations of the no contact order and the fact that these violations occurred in late 2023 and not since, to provide reasonable assurance that Mr. May will not attempt to contact the victim during the pendency of this action. Nor does the record demonstrate by a preponderance of the evidence that Defendant presents a risk of flight. Therefore, the Government's Motion to Revoke Order of Release at Docket 36 is DENIED. The stay entered by this Court at Docket 39 is VACATED and the Order Setting Conditions of Release signed by the Magistrate Judge on April 8, 2024 at Docket 44 is effective immediately.

In light of the foregoing, Defendant's Motion to Reconsider Order Granting Motion for Stay at Docket 40 is DENIED as moot.

DATED this 12th day of April, 2024, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE